
SUPREME COURT OF NORWAY

2023





CONTENT

The Supreme Court of Norway in 2023	4
In plenary session	6
Five-year anniversary of the advocates’ handbook	10
Our new justices	12
Justices on loan	17
Justice Kallerud’s final court session	18
The Supreme Court justices	20
The Supreme Court’s administration	22
Cases in 2023	24
Rulings	26
Statistics	32
International dialogue	36
Visits from the public	38
So long, Troms!	40

On the wall above the stairway, facing the Supreme Court’s largest court- room, hang marble slabs with central historical legal quotations. One of them is from King Magnus the Lawmender’s Landlaw (1274): “Each of our countrymen in the realm of Norway’s king shall be sacred and inviolable to others at home and abroad.”

In 2024, we mark the 750th anniversary of the Landlaw, the first set of laws applicable to all of Norway. The Supreme Court will participate in the celebration throughout the year.

THE SUPREME COURT IN 2023



Chief Justice Toril Marie Øie.

Never before have so many followed the hearings in the Supreme Court as in 2023!

Livestreaming has expanded our courtroom, and far more people than the fifty or so who can fit on the audience benches may access the proceedings.

This is an innovation that we have longed to implement. In 2022, we finally got the legal basis we needed to live stream openly on our own website. And in 2023, we had the necessary technical equipment installed.

In 2023, we livestreamed the hearing and handing down of judgment in the two cases heard by the plenary: the Svalbard case and the ACER case. In December, we also livestreamed two ordinary hearings: The case regarding loss of parental benefit and the case regarding driving under the influence of cannabis. During the latter hearing, the courtroom was filled to the brim with audience, while another 500 or so attended digitally at any given time. More than 2,800 individuals joined in from screens during the court day, each of whom watched an average of nearly an hour. This demonstrates the public's interest in some of the cases heard in the Supreme Court, and how technology helps us reach more people.

Our newly won capacity to livestream does not mean that all Supreme Court hearings are suitable for such broadcasting. According to the new provision on livestreaming in the Courts of Justice Act, streaming should only take place when "there are no restrictions on public disclosure of the hearing, and privacy and other considerations do not speak decisively against it". Resources must also be set aside to follow up the livestreaming, and for the time being, streaming equipment is installed in only one of our courtrooms.

Going forward, the Supreme Court will prioritise livestreaming of cases heard by the plenary and a grand chamber, and other cases of high general interest. Also, we will have regard to whether the case involves administrative review. We emphasise this because the Supreme Court's control of the other branches of government is central from a rule of law perspective, and transparency is particularly important in such cases. Another aspect to consider is whether the case is based geographically far from Oslo. We will also strive for variation in the types of cases we livestream.

Livestreaming is a reflection of the Supreme Court's goal to be as open and accessible as possible. At a time of rapid spread of disinformation and globally declining trust in governments and public institutions, more transparency is a good response.

In 2023, the Supreme Court took several new steps to further improve contact with the general public.

One such step is the introduction of video presentations of selected rulings. Videos were made for the two plenary cases regarding Svalbard and ACER, respectively. The videos are not comments on the relevant ruling or a contribution to the debate that often follows. They are published simultaneously with the ruling and provide a simplified overview of the subject matter, which for many may seem heavy and complex. They may also be seen as a supplement to the written summaries that accompany every Supreme Court judgment. The videos we made in 2023 had many viewers, and the feedback tells us that we should keep going.

Although you may now follow select hearings from your mobile phone or PC at home, I hope many will visit us also in 2024. We still want an audience present in the courtrooms during the hearings – that is where you feel the pulse of the Court. We will also continue to welcome you who would like to view our beautiful building and learn more about the Supreme Court as an institution. The year 2024 also marks the 750th anniversary of Norway's first nationwide set of laws, King Magnus the Lawmender's Landlaw. This will be visible in the Supreme Court Building throughout the year.

Welcome!

Oslo, 29 January 2024

A handwritten signature in blue ink that reads "Toril Marie Øie".

Toril Marie Øie



Norway has a three-tiered court system with 23 district courts in the first instance, six courts of appeal in the second instance and the Supreme Court at the top. According to Article 88 of the Constitution "[t]he Supreme Court pronounces judgment in the final instance".

In principle, appeals in all types of cases may be brought before the Supreme Court – in civil disputes, including administrative cases, and in criminal cases. The Supreme Court also deals with constitutional issues. This makes the Supreme Court our country's highest constitutional court, administrative court, dispute tribunal and criminal court.

The Supreme Court is a precedent court whose principal goal is clarification and development of the law within the framework provided by the Constitution, domestic legislation and Norway's obligations under international law. The Supreme Court decides with final force and effect the legal relationship between the parties in cases brought before it. The Supreme Court's interpretation of the law is also followed by other courts and by the legal community in general. Thus, the Supreme Court has decisive influence on applicable law in Norway.

IN PLENARY SESSION:

– A GREAT RESPONSIBILITY AND A LARGE PRIVILEGE



FROM HEARING TO A FINAL RULING

The hearing: The advocates present their arguments, and the justices ask questions. In both the Svalbard case and the ACER case, the hearing lasted four days.

After the hearing: The justices retire and work with the case individually, while preparing for the deliberations.

Deliberations: The justices meet in the courtroom for closed discussions. Until this meeting, they have not shared their views with each other. The presiding justice, who is always the Chief Justice in the plenary cases, starts the deliberations and goes through the case point by point. After she has presented her preliminary view, all the justices express their views in turn. The deliberations may last for several days.

Draft leading opinion: One of the justices is handed the task of writing the judgment and becomes the justice delivering the leading opinion. After many days of thorough work, the same justice shares his or her draft with the other justices. Then, he or she prepares another draft based on the input received before sending out a new draft. The others read it and comment once more, and the first justice prepares yet another draft.

Judgment conference: Closed meeting where all the justices discuss the ruling. The justice delivering the leading opinion continues to work on the ruling after the meeting.

Handing down of judgment: Open proceedings where the justice delivering the leading opinion reads an extract of the ruling. The other justices either agree “in all material respects and with [his or her] conclusion”, or gives a dissenting opinion. The ruling is then distributed to the parties and the public.

In 2023, Justices Arne Ringnes and Knut Erik Sæther each wrote their own judgment in a plenary case. Justice Sæther describes it as a demanding mountain hike.

Sæther: When you sit down to write, it starts off easily. The first few kilometres you are only approaching the mountain. You walk through flat terrains and wildflower meadows, and the sun is shining. This is when you write the introduction to the judgment, and most is self-evident. It is a transport stage that you actually enjoy.

Then the mountain is in front of you, and you start climbing. And before you know it, you are hanging from the rock wall in a rope, unable to go either up or down. You have no idea how to get to the top, as everything looks completely impossible.

After managing to come down again, you discover a new route and the fun resumes. During the entire writing process, the mood shifts between enthusiasm and creative joy – and pure despair with a touch of darkness.

Ringnes: But this is the intellectual process exactly! This is when you contribute something important. When you dig deeper and deeper into the material.

Sæther: Yes, when you feel the heat in your cheeks and just go on digging and writing.

Ringnes: It's a fascinating process! Among other things, I had to deal with treaty interpretation under international law, a topic I wasn't too familiar with. There was a vast set of international sources, and I had to study the history of the

Svalbard Treaty and international case law. An extensive, but incredibly interesting task!

Arne Ringnes delivered the leading opinion in the Svalbard case, which concerned the geographical scope of the Svalbard Treaty and the question of whether a Latvian shipping company should be permitted to catch snow crab on the continental shelf outside of Svalbard. In Sæther's case, the ACER case, the question was whether the Storting had acted in accordance with the Constitution when giving its consent to the EU's third energy market package. The two cases were heard by 16 and 17 justices, respectively. The ACER case was Sæther's first in plenary session.

Sæther: What struck me was the contrast from the ordinary hearings with five justices, when the case is broadly clarified

after all five have had their say during the deliberations. I was curious about what the participation of all justices would add to the case. My clear impression in retrospect is that there is a big difference. I was surprised by the breadth of the arguments and the divergent points of view that emerged.

Even when the ruling is unanimous, more ideas are expressed, more arguments and more nuance. This gives a solid basis for our work, but of course also more to discuss and follow up on during the writing of the judgment.

Ringnes: Delivering the leading opinion in a plenary case is a special task, as so many are involved! All the justices are very thorough and spend a lot of time preparing for deliberations and giving input to the justice who is writing the judgment. There is also close cooperation between the latter and presiding justice.



Justice Sæther minutes before reading from the ruling in the ACER case.



The plenary of the Supreme Court in the Svalbard case. Arguing the case: Advocates Mads Andenæs, Marius Emberland and Fredrik Sejersted.

Only cases of particular importance are heard by a grand chamber or the plenary, and the role of presiding justice is more demanding than in ordinary cases. The presiding justice is the first to present his or her view of the case during the deliberations. A large amount of legal and factual material must be considered and put in order, and the legal standpoints clarified and formulated. This requires a fundamental analysis and sound legal judgment.

Sæther: The contribution from the presiding justice gives a valuable basis for the writing work, also in plenary cases! In addition, of course, there are the opinions of all the other justices. The view of the case normally develops as the deliberations progress. During the deliberations this time, I wrote down an arsenal of arguments for use in my writing.

Ringnes: But don't think that the justice delivering the leading opinion exits the discussions and merely functions as a minute-taker. Gathering all the points of view and moving forward is a hard job. It is a creative process, where new issues and new perspectives keep emerging. One must also write the judgment in an understandable manner, where the central legal views may stand the test of time.

Sæther: You are to deliver your personal opinion, while at the same time writing on behalf of the other justices who share your view. This can be a demanding balancing act. I was advised against being too quick to accept purely linguistic changes from the others, as it may compromise your style of writing and the dynamics of the text. It cannot lose its identity. It's my opinion after all!

Ringnes: When I receive language input, and I believe my way of expression is just as good, I choose mine! However, we must of course listen to what the other justices say. They see nuances and propose alternative wordings that may clarify and elevate your draft.

Sæther: When my first draft was finished, I got comments back from 16 justices. Stacked on top of each other, it made a total of 800 pages, which was a lot to consider in a relatively short time. I was forced to set up a strict plan to keep up progress and reach the goal, while at the same time doing justice to the input received.

Ringnes: Writing a plenary judgment is an extensive but immensely important job. It is also a great responsibility, as the

rulings by the plenary of the Supreme Court are set in stone unless they are abandoned by a subsequent plenary judgment. The ACER case is a good example, as it builds on the nearly 50-year-old Kløfta judgment. Being handed the task of writing a plenary judgment is both a privilege and a great responsibility.

Sæther: I agree! You just have to embrace it. Finally, you reach the top of the mountain, where you can admire the landscape and point to all the places you have been.

And then, when the work is finished, it is certainly interesting to see how the judgment is received. It is in the cards that there will be mixed reactions, not only from the parties, but also from others affected by the judgment. Some will feel they have lost and some will feel they have won.

THE PLENARY AND A GRAND CHAMBER OF THE SUPREME COURT

Most cases are decided by the Supreme Court sitting as a division of five justices, but the most important legal issues are decided by the plenary or a grand chamber of eleven justices. The plenary of the Supreme Court means all justices minus those who are lawfully absent or disqualified.

When assessing whether a case should be heard by the plenary or a grand chamber, emphasis is placed, among other things, on whether the case raises issues of conflict between legislation and the Constitution or agreements by which Norway is bound through international collaboration. The decisions to refer the Svalbard case and the ACER case to the plenary were made by the Chief Justice.

FIVE-YEAR ANNIVERSARY OF THE ADVOCATES' HANDBOOK



THE ADVOCATES' HANDBOOK – "ADVOKATVEILEDNINGEN"

A handbook for advocates was launched in 2018. It provides answers to many practical questions on preparations and arguing before the Supreme Court. It contains information on the requirements and expectations for written and oral arguments and advice on how to give the best possible performance. The handbook is continuously updated, and in 2023 it went through a major revision. "Advokatveiledningen" is found on the Supreme Court's website, in Norwegian language only.

In 2023, we celebrated the five-year anniversary of "Advokatveiledningen". The handbook is a central tool for all advocates arguing cases in the Supreme Court.

During the five years of the handbook's existence, some 12,000 unique users have searched it a total of 26,000 times. As only 200 advocates argue cases in the Supreme Court each year, this proves that the handbook is frequently used also by advocates appearing in the District Court and the Court of Appeal.

BIRTHDAY CELEBRATION AT THE "ADVOKATFORUM"

Because of its five-year-anniversary, the advocates' handbook was the topic at the 2023 "Advokatforum".

"Welcome to our birthday party", Supreme Court Justice and chair Per Erik Bergsjø declared.

At the "Advokatforum" – which is an annual event – the justices meet with advocates to discuss central topics related to the work in the Supreme Court. The term advocate must be understood in its widest sense, as it also includes prosecution and defence counsel in criminal cases.

Advokatveiledningen is promoted as a central tool in the work of preparing a case for the Supreme Court.

"It is no longer necessary to spend time advising prosecutors without Supreme Court experience on how to prepare and structure the pleadings. Now, we only have to refer to the Supreme Court's handbook", said Deputy Director of Public Prosecutions, Torunn Salomonsen Holmberg.

"I experienced a positive difference from my first case where I had no handbook to my second case where I had one, said advocate Anette Fjeld and added: "As an advocate, you must be able to perform at all levels."

THE IMPORTANT ORAL PLEADINGS

The pleadings are essential in the Supreme Court, and more time is reserved for oral proceedings than in most other countries. The oral form gives the justices a unique opportunity to go more deeply into the matter, as they may interrupt the advocates and ask them to elaborate and clarify.

"There is no doubt that advocates arguing cases in the Supreme Court carry a heavy responsibility. You must not only have in-depth knowledge of the case and the law, but also convey the arguments in an instructive, clear and comprehensive manner", Chief Justice Toril Marie Øie said during the meeting.

Advocates must also bear in mind that the Supreme Court justices are not specialists, but generalists who are presented with a stream of legal issues – in all areas of law.

A CALL FROM THE CHIEF JUSTICE

During the meeting, Chief Justice Øie made a clear call. She is concerned that the material presented in each case may become excessive as the possibilities for searching sources are constantly improving.

"When the material becomes excessive it may compromise the quality of the argumentation. You run short of time. Too little is said about too much, and too much is said about too little. This comes at the expense of the broad outlines and analyses. It serves neither the case nor the client, and even the precedent function of the Supreme Court might suffer.

"Ideally, one should only include sources and arguments that have a genuine potential to influence the result or increase the understanding of the issues"

Ideally, one should only include sources and arguments that have a genuine potential to influence the result or increase the understanding of the issues. Author Sigurd Hoel once gave the following writing advice: 'More things are superfluous than you would like to think'. However, such distillation also requires skills and sound judgment. The Supreme Court needs a solid basis for deciding all aspects of the case, not just the issues of principle. It's about finding the right balance, which may be hard.

I think it is unrealistic to aim for the optimum. But I am hopeful that it should at least be possible to omit sources and factors that are clearly not suitable for improving the decision-making basis. That will be a good start", the Chief Justice concluded.

Chief Justice Toril Marie Øie at the "Advokatforum" in the Supreme Court's meeting hall.

OUR NEW JUSTICES



The legal profession tends to pass down through generations, but neither Thom Arne Hellerslia nor Are Stenvik comes from a family of lawyers. In 2023, both were appointed Supreme Court justices.

“There were no lawyers in my family”, says Are Stenvik. “My parents were dentists. I discovered the law through jurisprudence classes in school and later studies.”

Nor did Thom Arne Hellerslia grow up with legal literature in the bookshelves:

“My parents had no academic education at all. My father was an accountant and my mother worked in health care. It was far from what many may think of as a classic law family.”

NO INTEREST IN SCHOOL

Are Stenvik was raised in Kolbotn in the former Oppegård municipality, south of Oslo. Practically the countryside, as Stenvik describes it, but also a town in rapid growth. In his spare time, Stenvik worked on a farm with machinery and livestock, but also participated in his hometown’s thriving sports community.

“I did every kind of sport, particularly ice skating. But also football, gymnastics, wrestling, athletics, skiing, orienteering, you name it!

I had no interest in books and school before I took up law studies, but eventually I got a hold of the legal way of thinking and became very keen.”

What captivated you?

“An important factor is that the law is about the lives we live, about society and how it functions. And about how written rules influence the relationship between people. The practical aspect tied to the academic aspect is quite unique to the field of law.”

Are Stenvik would soon spend his hours in the study hall. He came across sources that were not on the curriculum and realised the importance of writing practice.

“My early faculty assignments were really bad, but within each academic year I made great progress. I was always at my worst at the beginning of each term, but I managed to grasp the topics in time before the exam.”

ACADEMIC IDEALIST

Thom Arne Hellerslia, who grew up in Grimstad in the southern part of Norway, also had no incentives from home to study law. He considered science at NTNU in Trondheim, like many of his friends, but his determination to work with environmental issues or human rights led him to the field of law.

“I had quite high expectations of myself. I was driven by idealism, regarded the law as fundamental building blocks of society and wanted to work with human rights.

One piece of advice to students today is to gain practical experience during studies, either through summer jobs or by attending court hearings to bring the dry textbooks to life. I have often thought I should have done more of that myself.”

After graduating, Tom Arne Hellerslia started practicing at the Norwegian Pollution Control Authority before taking on

bigger challenges in the Legislation Department of the Ministry of Justice. There, he was given responsibility for human rights, among other things.

“Not many of the older jurists had in-depth knowledge of human rights in the mid-1990s. This was also before the dramatic increase in judgments from the European Court of Human Rights.”

Were things easier then?

“At least when it came to sources of law.

Today, human rights issues form part of great many cases. It has become more demanding to figure out the stance of the European Court of Human Rights. And there is a large production of sources of law, both within and outside the UN system.

This is fundamentally positive, as it means that human rights are assessed and have an impact. What may be debated is whether human rights are invoked in too many cases. There is a justified fear of dilution of the concept of human rights, and we may lose sight of what constitutes serious violations. On the other hand, the large number of applications the Court receives forces it to leave more to the States and to prioritise.”

SOMEONE HAD TO LEARN INTELLECTUAL PROPERTY LAW

Are Stenvik’s plan, as he was increasingly absorbed by his studies, was to work within tax law.

“But when I joined a law firm I was told that someone had to learn intellectual property law. And the manager pointed at me.”

Stenvik attended new lectures and read up. Eventually, he started writing commentaries to the Patent Act in the Norwegian Law Commentary. At the firm, IPR cases started coming in.

THE APPOINTMENT OF SUPREME COURT JUSTICES

Vacant Supreme Court justiceships are announced like other vacant positions. The Judicial Appointments Board, an independent body, invites the strongest candidates to an interview and hands its recommendation to the Ministry of Justice, based on applications, interviews and references. When this process involves a Supreme Court justiceship, the law instructs that the Chief Justice, after having participated in the interview, submits a statement to the Ministry. The Supreme Court publishes the statement, which should not appear as an independent recommendation.

The formal appointment is made by the King in Council, i.e. the Government. To date, the Government has not once gone against the Judicial Appointments Board’s recommendation for Supreme Court justice

As Norway’s highest court, the Supreme Court places high demands on the justices’ legal qualifications. But it is also a goal that the Supreme Court is composed to reflect diversity in professional background, gender and geography. However, professional qualifications are vital.



The alternation between practical work and academic study has characterised Stenvik's entire career. Tort law was also to become a specialty area, after Professor Viggo Hagstrøm suggested that he and Stenvik write a textbook together.

"That was a golden opportunity! I already knew that this was an exciting area of law, and then I got the chance to do something like that with him."

LOCAL PRACTICE

Like Are Stenvik, Thom Arne Hellerslia started his career in Oslo, but after a few years he and his family moved back to Grimstad. He first worked as a deputy judge, but later established his own legal practice.

"I handled all kinds of cases. When you start from scratch in a small town, you accept every assignment at first. After a while, I split the practice between assisting business clients and helping the less privileged. The commercial assignments were professionally very stimulating, involving issues on contract law, construction law or tax law.

My work for the less privileged was driven by idealism and often involved child welfare, compulsory mental health care or immigration. I also assisted drug addicts and rehabilitation patients."

After eleven years as an advocate, Hellerslia crossed the bar and became a District Court judge in Kristiansand.

"I think I prefer being a judge. It suits my temperament more to view a case from two sides and rule, rather than arguing for only one."

NOT THE CV ONE WOULD EXPECT

To Thom Arne Hellerslia, the position of Supreme Court justice is in no way the result of long-term planning.

"I wouldn't say that my CV reflects any aspiration towards the Supreme Court. It's not exactly the standard path to spend a large part of your professional life as a smalltown advocate and judge. But it's positive that the Supreme Court appoints justices with grassroots experience. I have advised completely normal people and passed rulings in the District Court where the vast majority of cases are finally decided."

As a Supreme Court justice, you are further removed from the people the rulings concern. Can you still picture them?

"The importance of my encounters with the less fortunate among us should not be underestimated, although it may have an adverse effect from a psychological point of view, when it

comes to making decisions. It may be wise to keep some distance to individual hardships when assessing issues of principle. But distance becomes a drawback if you do not fully understand how important the matter is to those involved."

THE KEY TO GOOD PLEADINGS

Unlike Thom Arne Hellerslia, Are Stenvik had never worked as a judge before he put on the black robe with a burgundy velvet trim – as a fresh Supreme Court justice. But he knew the Court well, including through the cases he had argued as an advocate.

"I wish I had the experience I now have as a justice when I was standing at the other side of the bar."

What would you like to have known then?

"As an advocate you sometimes grope blindly, because you have no idea how well the judges know the case or the relevant area of law. Now that I'm sitting as a justice myself, I see that the advocates could very well get to the heart of the matter a little faster and stay there. But I was probably no better at it myself."

Any episodes you remember in particular?

"I remember my very first appearance in the Supreme Court when I chose to give an account of Pythagoras, because he was highly relevant in a case involving the relationship between screw threads and thread pitches. None of the justices battered an eyelid; they seemed to find it perfectly natural to be lectured about Pythagoras.

DIALOGUE WITH THE JUSTICES

I also remember a procedural matter, where I gave a thorough account of all sources of law, the history of the law, preparatory works and more. At some point, Justice Kristin Normann broke me off: 'But what about policy considerations? What would be ideal in this particular area?' I was of course getting to that, but I realised then that I should have started there."

There was also a seminar on preparation and arguing of cases in the Supreme Court. The lecturing justice Steinar Tjomsland said: 'You need to make the justices understand how the issue ought to be solved. And then you must show them the way.' I guess that's the key to all pleadings."

As an advocate, Thom Arne Hellerslia never had the chance to argue before the Supreme Court. But as a judge in the District

Court, and later in Borgarting Court of Appeal he had to take into account many Supreme Court's rulings.

How does that influence your own writing of judgments?

"I believe that judges in the lower instances are particularly important addressees. It is essential that the Supreme Court's rulings give the necessary guidance, but they should not be interpreted as covering issues that we have not thoroughly considered".

DISSENTING OPINION THE FIRST WEEK

When joining the Supreme Court in the autumn of 2023, it was straight to the courtroom for both our new justices. During his first week as a justice, Are Stenvik dissented.

"I was surprised myself, as I had always thought that a unanimous ruling should be possible in most cases. But if I am still convinced after open-mindedly trying to see the case from

different perspectives, I must be true to my opinion. There is no other way."

Did the fact that you were brand new make you hesitate?

"No, not beyond my initial thought that unanimous judgments ought to be an advantage. But I was slightly anxious of how the others would react. It turned out to be an entirely positive experience. Not only did I earn full respect for my view, the other justices even advised me on how to formulate my dissent. That really amazed me!"

*Interview by Ida Dahl Nilssen,
Head of Information in the Supreme Court*



THOM ARNE HELLERSLIA

Born 1967, from Grimstad. Former consultant to the Norwegian Pollution Control Authority and the Ministry of Justice. Advocate and District Court judge in Kristiansand. Judge at Borgarting Court of Appeal. Supreme Court justice from 14 August 2023.

Preferred non-legal read: Several novels, but I also love history, particularly American. Both of my grandfathers lived in the USA before the War and spoke very warmly about the continent. My image of America has since been extended and strongly nuanced through all my reading.

Favourite listen: I like a mixture of funk, jazz, soul and blues, for instance Fantastic Negrito, which may remind you of Prince. I also enjoy heavy rock, a guilty pleasure perhaps?

ARE STENVIK

Born 1966, from Kolbotn. Former partner of the law firm BAHR and professor at the University of Oslo. 25 publications, including seven textbooks. Argued five cases in the Supreme Court. Supreme Court justice from 10 October 2023.

Preferred non-legal read: In my childhood and youth almost nothing. But now I read a lot, often several books at a time. Everything from murder mysteries and thrillers to travel literature and biographies. During my days of study, I became a fan of Dag Solstad.

Favourite listen: I share my father's taste in music: jazz and particularly Nordic jazz. Lots of trios and quartets. I also occasionally listen to the radio or an audiobook when I go cross-country skiing.



Hedda Remen and Magni Elsheim normally work in their respective Courts of Appeal. In 2023, they both served as acting Supreme Court justices.

MAGNI ELSHEIM, CHIEF JUDGE OF GULATING COURT OF APPEAL

"At Gulating, I am primarily a leader with main responsibility for preparing the court to solve its societal mission in the best possible manner. My workday requires that I keep a constant overview and make the correct priorities. In the Supreme Court, my focus has been on the cases and the various legal issues they raise. The cases that proceed to the Supreme Court are much more 'trimmed' than those in the Court of Appeal, and mainly involve issues of principle. The most striking difference is that parties and witnesses do not appear in court to testify. This gives fewer surprises underway."

What will you remember the most from your time at the Supreme Court?

"It has been a privilege to participate in giving judgment in the final instance, and I will certainly remember some of the cases. However, what stands out the most from my time in the Supreme Court is the friendly environment. I thought in advance that the people working in the Supreme Court would be highly skilled, but that the atmosphere might be a bit formal and stiff. The first of those ideas was confirmed, but the second was quickly dismissed. The Supreme Court is utter friendliness. It seems as if the good environment and unity give everyone the energy to work hard whenever needed."

HEDDA REMEN, JUDGE OF BORGARTING COURT OF APPEAL

"The judicial method is the same, but in the Court of Appeal most cases revolve around the facts, while in the Supreme Court the focus is on the law. A division of the Supreme Court is composed of five justices, as opposed to three or two professional judges in the Court of Appeal. This means that the total of the professional weight and legal skills is larger in the Supreme Court, which is how it should be. There are also some differences in routines and work methods. For instance, much more time is reserved for preparations and deliberations in the Supreme Court than in the Court of Appeal. Last, but not least, the Supreme Court pronounces judgment in the final instance, so I really felt the responsibility.»

What will you take with you from your months at the Supreme Court?

"I have always had a passion for language, in the judgments I write and otherwise. My stay at the Supreme Court has made me even more conscious of the value of precise language without unnecessary terms and expressions. I will take that with me in my continued work with writing judgments in the Court of Appeal. I will also take with me many good memories from the cooperation with talented colleagues in an inclusive and very friendly, but also efficient, working environment."



JUSTICE KALLERUD'S FINAL COURT SESSION

The court holiday had just ended, it was 15 August, and into the grandest courtroom marched all the justices dressed in robes. Among them was Justice Knut Herbrand Kallerud, ready to participate in his last Supreme Court session.

At the bar waited Director of Public Prosecutions Jørn Maurud and advocates Kaare Andreas Shetelig from the Norwegian Bar Association, Tolle Stabell from the Office of the Attorney General and Øystein Storrvik, regular advocate for the defence in the Supreme Court. And on the audience benches sat other representatives of the judicial community, former and current colleagues, and Justice Kallerud's family – all gathered to attend the proceedings.

Holding the farewell ceremony for a justice as a court session is a tradition in the Supreme Court. This was last done when Justice Matningsdal retired in 2021, and when Justice Møse retired in 2020.

The advocates at the bar do not argue cases in the usual manner, but reflect on the role of the justice and on the efforts laid down by the resigning justice in particular.

DOWN-TO-EARTH AND RAZOR SHARP

"Your judgments are well-written and demonstrate your goal not to make the issues more complicated than they are and to root your conclusions firmly in the real world. You use clear language and have no inclination for unnecessary theoretical elaboration", said Chief Justice Toril Marie Øie in her farewell speech to Justice Kallerud.

When becoming a Supreme Court justice in July 2011, Kallerud left the position of Deputy Director of Public Prosecutions. Before that, he had also worked as a defence advocate. During his twelve years at the Supreme Court he was involved in 5,270 rulings, including some 4,900 in the Appeals Selection Committee.

"MAN FROM HVITTINGFOSS WANTS TO JOIN THE SUPREME COURT"

Justice Kallerud himself also gave a speech from his seat at the justices' bench, which is quite rare. He stressed among other things that, when taking up the position of a Supreme Court justice, you bring with you not only your professional experience, but your entire background.

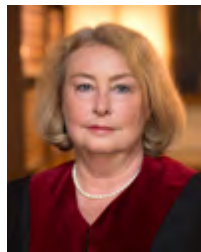
"When I applied for the position, there was a notice in the local newspaper titled: 'Man from Hvittingfoss wants to join the Supreme Court'. Although the undertone was probably another, the headline was apt in the sense that my rural background has influenced me also in my professional life. With a down-to-earth approach, I have often thought that the law should equal common sense set in an understandable and practically applicable system. I have always stopped during my writing and asked: Does this make sense to most people? If not, should it be changed or simplified?

I have tried to go where I believe the sources of law are leading me. And although we as justices are of course – and must be – independent, my method has been to place great emphasis on what provides the best guidance and practical solutions rather than stressing special viewpoints without principled significance.

As many will remember, Professor Johs. Andenæs described so well 'A life among sections'. Having worked continuously with the law for 40 years, it is not the sections of the law that linger the most. The people I have met have made a much more lasting impression."



THE SUPREME COURT JUSTICES



TORIL MARIE ØIE (63)

Toril Marie Øie grew up in Oslo. She graduated in law in 1986, and took up the position of Supreme Court justice on 1 August 2004. Before that, she served as a Head of the Legislation Department at the Ministry of Justice and Public Security. Toril Marie Øie took up the position of Chief Justice of the Supreme Court on 1 March 2016.



HILDE INDREBERG (66)

Hilde Indreberg grew up in Oslo. She graduated in law in 1987, and took up the position of Supreme Court justice on 1 April 2007. Before that, she served as Head of the Legislation Department at the Ministry of Justice and Public Security.



BERGLJOT WEBSTER (57)

Bergljot Webster grew up in Oslo. She graduated in law in 1992, and took up the position of Supreme Court justice on 15 August 2009. Before that, she worked as an advocate in private practice.



WILHELM MATHESON (68)

Wilhelm Matheson grew up in Oslo. He graduated in law in 1982, and took up the position of Supreme Court justice on 1 November 2009. Before that, he worked as an advocate in private practice.



AAGE THOR FALKANGER (58)

Aage Thor Falkanger grew up in Bærum. He graduated in law in 1991. He took up the position of Supreme Court justice on 1 May 2010. Before that, he served as a professor at the University of Tromsø.



KRISTIN NORMANN (69)

Kristin Normann grew up in Bærum. She graduated in law in 1982, and took up the position of Supreme Court justice on 9 August 2010. Before that, she worked as an advocate in private practice.



RAGNHILD NOER (64)

Ragnhild Noer grew up in Svartskog and Orkanger. She graduated in law in 1985, and took up the position of Supreme Court justice on 1 October 2010. Before that, she served as a judge at Borgarting Court of Appeal.



HENRIK BULL (66)

Henrik Bull grew up in Bærum. He graduated in law in 1984, and took up the position of Supreme Court justice on 17 January 2011. Before that, he served as a judge at the EFTA Court.



PER ERIK BERGSJØ (65)

Per Erik Bergsjø grew up in Steinkjer. He graduated in law in 1985, and took up the position of Supreme Court justice on 1 March 2012. Before that, he worked as an advocate in private practice.



ARNE RINGNES (68)

Arne Ringnes grew up in Oslo. He graduated in law in 1982, and took up the position of Supreme Court justice on 18 August 2014. Before that, he worked as an advocate in private practice.



WENCHE ELIZABETH ARNTZEN (64)

Wenche Elizabeth Arntzen grew up in Bærum. She graduated in law in 1986, and took up the position of Supreme Court justice on 29 September 2014. Before that, she served as a judge at Oslo District Court.



INGVALD FALCH (60)

Ingvald Falch grew up in Vadsø. He graduated in law in 1989, and took up the position of Supreme Court justice on 1 September 2015. Before that, he worked as an advocate in private practice.



ESPEN BERGH (62)

Espen Bergh grew up in Oslo. He graduated in law in 1987, and took up the position of Supreme Court justice on 15 August 2016. Before that, he served as a senior judge at Borgarting Court of Appeal.



CECILIE ØSTENSEN BERGLUND (52)

Cecilie Østensen Berglund grew up in Bærum. She graduated in law in 1998, and took up the position of Supreme Court justice on 1 January 2017. Before that, she served as a senior judge at Borgarting Court of Appeal.



BORGAR HØGETVEIT BERG (53)

Borgar Høgetveit Berg grew up in Ål in Hallingdal. He graduated in law in 1997, and took up the position of Supreme Court justice on 1 May 2017. Before that, he worked as an advocate in private practice.



ERIK THYNESS (62)

Erik Thyness grew up in Oslo. He graduated in law in 1987 and took up the position of Supreme Court justice on 1 May 2019. Before that, he worked as an advocate in private practice.



KINE STEINSVIK (47)

Kine Steinsvik grew up in Sandnessjøen. She graduated in law in 2001 and took up the position of Supreme Court justice on 5 August 2019. Before that, she served as a judge at Borgarting Court of Appeal.



KNUT ERIK SÆTHER (53)

Knut Erik Sæther grew up in Mjøndalen. He graduated in law in 1995 and took up the position of Supreme Court justice on 1 October 2021. Before that, he served as Deputy Director of Public Prosecutions.



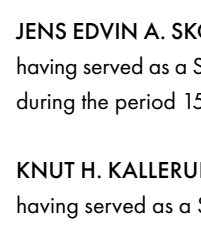
THOM ARNE HELLERSLIA (56)

Thom Arne Hellerslia grew up in Grimstad. He graduated in law in 1993 and took up the position of Supreme Court justice on 14 August 2023. Before that, he worked as a judge at Borgarting Court of Appeal.



ARE STENVIK (57)

Are Stenvik grew up in Kolbotn. He graduated in law in 1990 and took up the position of Supreme Court justice on 9 October 2023. Before that, he worked as an advocate in private practice.



JENS EDVIN A. SKOGHØY (68) resigned on 1 July 2023 after having served as a Supreme Court justice since 12 October 2020 and during the period 15 August 1998 until 1 February 2017.

KNUT H. KALLERUD (67) resigned on 1 September 2023 after having served as a Supreme Court justice since 16 July 2011.

MAGNI ELSHEIM (59) was an acting Supreme Court justice from 27 February to 30 June 2023, and from 9 October to 17 December 2023.

HEDDA REMEN (64) was an acting Supreme Court justice from 6 March to 30 June 2023.

ARNFINN BÅRDSSEN (56) is on leave to serve as a judge at the European Court of Human Rights.

More details on the justices' professional backgrounds can be found on www.supremecourt.no.



THE SUPREME COURT'S ADMINISTRATION

The Supreme Court's administration consists of a legal and an administrative support team of some 50 people. The Chief Justice decides administrative and principled matters of major practical significance to the Court, while the day-to-day administration is managed by the Secretary-General.



SECRETARY-GENERAL BENTE J. KRAUGERUD (49)

Bente J. Kraugerud graduated in law from the University of Oslo. She took up the position of Secretary-General of the Supreme Court on 1 October 2019. She was previously Head of Negotiations at Virke (the Federation of Norwegian Enterprise), and also has experience from the Ministry of Justice and Public Security, the Ministry of Local Government and Modernisation and from private law practice.

The administration is organised in three units: the Legal Secretariat, the Information Department and the Administrative Unit. The administration also has a Deputy Secretary-General, an ICT adviser and two secretaries who assist the Chief Justice and the Secretary-General.

THE LEGAL SECRETARIAT

The Legal Secretariat consists of the Head and two Deputy Heads, as well as 21 law clerks, two court clerks and one student law clerk. The law clerks as well as the court clerks are trained lawyers. Most of them have experience from other courts, the Public Prosecution Authority, private practice or from public administration.

The law clerks' main task is to assist the justices with cases that are appealed to the Supreme Court. Once an appeal has been received, it is handed to a law clerk who prepares the case for the Appeals Selection Committee. The law clerks also assist during the preparations and the hearing in either a division, a grand chamber or the plenary. They also perform other tasks for the Chief Justice, the justices and the Secretary-General. The law clerks consider procedural as well as substantive issues from all areas of law. They are appointed for a fixed term of seven years.

The court clerks are present during all stages of the proceedings. In addition, they help the justices with checking sources and proofreading the rulings.

THE INFORMATION DEPARTMENT

The Information Department consists of the Head of Information, an information adviser and a legal translator. It handles the contact with the public and the press, operates the Supreme Court's website and social media channels and is responsible for the production of photos, videos and text. The Information Department also provides English translations of Supreme Court rulings, the Annual Report and other information.

THE ADMINISTRATIVE UNIT

The Administrative Unit is managed by the Head of the Administrative Unit and the Head of the Registry. The latter and eight registration clerks make up the Registry, handling incoming cases and inquiries and providing practical help to the justices and the law clerks. The Registry also maintains other functions, such as scheduling of hearings and preparation of bundles.

The Administrative Unit has an additional seven employees with various support functions such as accounting, library, archiving, usher services, cleaning and canteen operation.

ECONOMY

The Supreme Court's budget limits are determined by the Storting through a separate chapter in the state budget. In 2023, the balanced budget for the Court was NOK 128 079 000.

EQUALITY

Equality and anti-discrimination work is essential to our strategy as an employer. The equality report 2023 will be published (in Norwegian) on www.hoyesterett.no.



Law clerk Elise Gedde Metz with registration clerk Amalie Bekkum. Amalie was employed in the Supreme Court in 2023.

THE SUPREME COURT'S ADMINISTRATION

Bente J. Kraugerud, Secretary-General

Christopher Haugli Sørensen,
Deputy Secretary-General

Liv Fjerstad, secretary to the Chief Justice
Roar Hide Klausen, ICT adviser
Ajin Rasheed, secretary to the Secretary-General

THE LEGAL SECRETARIAT

Knut Aastebøl, Head of the Legal Secretariat
Christine Skjebstad Weigård, Deputy Head
Monica M. Zak, Deputy Head
Julia Kråkenes Bennin, law clerk
Anders Berg Dønås, court clerk
Erik Fjermørs, law clerk
Jostein Gulbrandsen Frank, law clerk
Håkon Plener Fredriksen, law clerk
Johannes Kohler, student law clerk
Fredrik Lied Lilleby, law clerk
Marie Greve Lomsdalen, law clerk

Severin Stang Lund, law clerk
Merima Buzaljko Malik, law clerk
Elise Gedde Metz, law clerk
Jonatan Sasson Michaeli, law clerk
Jon Alexander Neder, law clerk
Steinar Solheim Nordal, law clerk
Liv Johanne Jørgensen Ro, law clerk
Helene Rolin, law clerk
Kjersti Birkeland Rudsli, law clerk
Ingvild Rosseland Sandhaug, law clerk
Lars Kristian Skantzze, law clerk
Kjell Are Strøm, law clerk
Victoria Steen Svendsen, law clerk
Andreas Tangstrøm, law clerk
Hege Kristine Aakre, law clerk
Kjetil Aasen, court clerk

THE INFORMATION DEPARTMENT

Ida Dahl Nilssen, Head of Information
Reidun Ellen Engh, legal translator
Rizwana Yedicam, information adviser

THE ADMINISTRATIVE UNIT

Akmal Hussain,
Head of the Administrative Unit
Anne B. Lea, Head of the Registry
Morten Almås, court usher
Mariluz Acosta, cleaner
Amalie Bekkum, registration clerk
Gunn May Grinden, registration clerk
Helga Mærde Gruer, registration clerk
Torill Melleby Jensen, economy adviser
Bjørn Vidar Kristoffersen, court usher
Mina Kristoffersen, canteen manager
Mette Moe, registration clerk
Julie So-Man Ng, registration clerk
Lisa-Beth Pettersen, scheduling clerk
Kjersti Ruud, registration clerk
Mariann Solbakk, registration clerk
Barbara Tracz, cleaner
Vivi Østby, librarian



CASES IN 2023

A selection of the cases may be found on pages [26-31](#).

Detailed statistics are provided on pages [32-35](#).

In 2023, the Supreme Court decided 51 civil cases and 32 criminal cases following oral hearings in divisions. In addition, two civil cases were heard by the plenary of the Supreme Court.

More than one in four judgments in civil cases and more than one in three in criminal cases are appealed to the Supreme Court. When taking into account variations in the number of cases in the lower instances, the trend is that cases are appealed to the Supreme Court more frequently than a few years ago. The Supreme Court received in total 2,078 appeals: 441 against judgments in civil cases, 354 against judgments in criminal cases, 578 against orders or decisions in civil cases and 705 against orders or decisions in criminal cases.

THE SUPREME COURT IN PLENARY SESSION AND IN A DIVISION

The plenary of the Supreme Court is only convened when the most important cases are to be decided. Ordinarily, the cases are decided in a division with five of the Supreme Court's twenty justices, randomly composed. However, in plenary hearings all justices participate who are not disqualified or lawfully absent. It is an important principle that a majority of the justices stand behind the result. In 2023, the Supreme Court decided two cases in plenary session: the Svalbard case and the ACER case. In the Svalbard case, the question was whether the Svalbard Treaty applies on the continental shelf off Svalbard. The clarification did not only cover snowcrab catching, which was the specific issue raised, but all exploitation of resources on the contental shelf off Svalbard.

In the ACER case, the question was whether the Storting had acted in accordance with the Constitution when consenting to the EU's third energy market package, more specifically whether this could be done by a simple majority or whether a three-fourths majority was required. Cases questioning the constitutionality of a statutory provision or other decisions by the Storting are at the core of the plenary procedure. The Storting itself presumes that such issues are to be decided by the plenary of the Supreme Court.

Since all the justices participate, plenary cases usually demand more time than division cases, particularly for the deliberations and judgment conferences following the hearing. You can read more about the work on plenary cases on pages [6–9](#). The time needed for one plenary case roughly corresponds to the hearing of eight to ten division cases. This explains why, in 2023, the Supreme Court heard fewer cases in divisions than in previous years.

WIDE RANGE OF CASES

The Supreme Court decides issues within all areas of law, and a wide range of cases were also decided in 2023. For an appeal to proceed to an oral hearing in the Supreme Court, the Supreme Court's Appeals Selection Committee must grant leave to appeal. If the case raises an issue of principle, it does not matter whether it involves major societal questions or smaller, everyday problems. Little emphasis is placed on the value of the subject matter in dispute. A striking feature of 2023 is the increase in construction law cases and other cases related to real property.

Among the criminal cases in 2023 there were also several examples of new legislation and societal changes calling for clarification of the law by the Supreme Court. One example is the case where the Supreme Court found that the flight ban

for Russian citizens also applies to drone flights ([HR-2023-1246-A](#)). Another example is found in the two judgments on unaccountability due to a severely deviant state of mind. ([HR-2023-1242-A](#) and [HR-2023-1243-A](#)). In the wake of the 22 July trial, a legislative process was initiated resulting, in 2020, in an amendment of the unaccountability rule in the Penal Code. The Supreme Court's rulings in 2023 clarified the application of the new provision.

An overview of the types of cases heard in 2023 is provided on [34](#). Starting on page [26](#) you may read about some of those cases. All rulings are published on the Supreme Court's website accompanied by a short summary.

SAFEGUARDING OF DUE PROCESS

The cases that proceed for oral hearing in a division primarily involve issues of principle, calling for clarification or development of the law. Some, but not all, of these cases raise issues of direct impact on the individual's due process rights.

In the event of an appeal against a judgment that does not raise issues of principle, individual due process rights are safeguarded primarily through the power of the Supreme Court's Appeals Selection Committee to set the Court of Appeal's judgment aside if it has obvious flaws. In criminal cases, the Committee may also acquit or make the offence punishable under a less strict provision.

In 2023, 42 of the appeals against judgments in civil cases (9.3 %) and 32 of the appeals against judgments in criminal cases (8.4 %) proceeded to a hearing by a division or the plenary. Cases that were not decided in 2023 are scheduled for 2024. The Supreme Court's Appeals Selection Committee set aside the Court of Appeal's judgment in eight civil cases and eleven criminal cases and handed down an acquittal in one further criminal case. Overall, the Supreme Court reviewed 12.4% of the appealed judgments in civil cases and 16.3% in

criminal cases, either by granting leave to appeal or by judgment in the Appeals Selection Committee.

ORDERS AND DECISIONS

The Supreme Court also safeguards due process in cases pending in the District Court or the Court of Appeal through the hearing of appeals against orders and decisions. Such appeals may for instance challenge the procedure in the lower instances, costs, remand in custody and other coercive measures during investigation, and the Court of Appeal's refusal to hear an appeal.

About half of the appeals against orders or decisions in criminal cases (325) concerned the Court of Appeal's refusal to grant an oral hearing. The Supreme Court has received considerably more appeals against such decisions after the filtering scheme was expanded from 1 January 2020. The expansion implied that defendants having committed offences with a maximum penalty of six years or more no longer had an automatic right to a new and full hearing in the Court of Appeal.

In 2023, appeals against orders or decisions succeeded in 33 civil cases and 34 criminal cases.

PROCESSING TIME

In 2023, civil cases took an average of seven months from the case was received by the Supreme Court until the hearing. This is a small increase from 2022, which is partly due to the lengthy plenary hearings. In criminal cases, it took an average of 3.6 months.

For cases decided by the Appeals Selection Committee, the average processing time was just under a month and a half in civil cases and just under a month in criminal cases.

THE SUPREME COURT'S ROLE AND RESPONSIBILITIES

For the Supreme Court to be able to fulfil its function as a precedent court, the legislature has established a selection system under which the Supreme Court is only to hear appeals against judgments that raise issues of principle or that for other reasons are important to have decided in the Supreme Court. It is the Appeals Selection Committee's task to determine whether these criteria are met. The Committee is composed of three justices in each case, and the proceedings are in writing.

Cases referred to the Supreme Court are normally decided following an oral hearing by a division of five justices. Cases of "particular importance" may be heard by the plenary of the Supreme Court or by a grand chamber with eleven justices.

The Appeals Selection Committee may set aside the Court of Appeal's judgment if it contains obvious errors. In criminal cases, the Committee may also acquit or convict the defendant under a less strict penal provision. These cases do not raise issues of principle but would previously have proceeded to the Supreme Court to rectify the Court of Appeal's error. Appeals against orders or decisions are generally decided by the Appeals Selection Committee, but if the appeal raises issues of principle it may be referred to a division of the Supreme Court.

The Chief Justice and the nineteen other justices work in turns in the Supreme Court's two divisions and in the Appeals Selection Committee.



CASES IN 2023

PLENARY

The Svalbard Tready did not give Latvian shipping company the right to catch snow crab on the Svalbard continental shelf

The Latvian company SIA North Star Ltd. applied for permission to catch snow crab on the Norwegian continental shelf off Svalbard. The application was refused, as Norwegian regulations only allow Norwegian vessels and undertakings to catch snow crab on the continental shelf. The shipping company held that the Ministry's refusal contravened the Svalbard Treaty, which Norway and several other countries have signed, as the Treaty also applies on the Svalbard continental shelf. The Supreme Court found that the equality rule in the Treaty applies in Svalbard's internal waters and territorial sea, up to 12 nautical miles from the baselines, but not on the continental shelf. The decision by the Ministry of Trade and Fisheries was based on a correct interpretation of the Treaty. [HR-2023-491-P](#)

The ACER case – the Storting acted in accordance with the Constitution

In 2018, the Storting consented to the incorporation of the EU third energy market package being incorporated into the EEA Agreement, which is binding on Norway. The purpose of the energy market package is to facilitate cross-border trade in electricity and natural gas. The Storting's decision was made by a simple majority under Article 26 subsection 2 of the Constitution. No to the EU sued the State, claiming that the transfer of powers the decision entailed was of more than "limited significance", and that it therefore should have been made with a three-quarters majority under Article 115. The Supreme Court ruled that ACER/ESA cannot decide whether to build new foreign cables, prohibit restrictions on electricity export or set electricity prices. The transfer of powers was considered to be of "limited significance". The Supreme Court stated that this assessment had to be linked to the individual transfer of powers presented to the Storting in 2018, and not to previous transfers in the same area.

[HR-2023-2030-P](#)

CIVIL CASES IN DIVISIONS

The prohibition of Schibsted's acquisition of Nettbil was set aside

The media group Schibsted ASA had acquired the majority of shares in Nettbil, an online marketplace for second-hand cars. Schibsted was also the majority shareholder of Finn AS, whose products include advertisements for the sale of second-hand cars on Finn.no. The Competition Authority believed that the purchase would significantly impede effective competition, and prohibited it and ordered Schibsted to sell the shares. The Supreme Court stated that Finn's product is limited to an advertising service for second-hand cars, while Nettbil's product also includes a takeover of all sales work. A large price difference also indicated that the companies do not operate in the same market. Therefore, the acquisition would not impede effective competition, and the prohibition was set aside. [HR-2023-299-A](#)

Claim against the general manager of a company was time-barred

A consumer engaged a craftsman company to carry out work on a house. The same person was the general manager, chairman and majority shareholder. In August 2017, an expert report revealed deficiencies in the works, partly due to poor management. After the company had gone bankrupt, the consumer brought a claim against the general manager in October 2020, as the deficiencies were due to his negligence. The general manager argued that the claim was time-barred, and the Supreme Court found in his favour.

[HR-2023-585-A](#)

Decision on culling of wolves within the wolf zone was valid

In 2019, the Ministry of Climate and Environment decided to cull up to six wolves within the wolf zone. NOAH – for Animal Rights sued the State. The Supreme Court held that culling within the wolf zone requires a balancing between public interests in favour of culling and preservation considerations against it. The Court stressed that the population target had been reached by a wide margin, and the public interests prevailed.

[HR-2023-936-A](#)

Breeding of Cavalier King Charles spaniels is unlawful

The Norwegian Society for Animal Protection sued the Norwegian Kennel Klub, two breeding clubs and several breeders, holding that the breeding of Cavalier King Charles spaniels and English Bulldogs is contrary to the Animal Welfare Act. The reason is that these breeds are particularly susceptible to disease and ailments. The Supreme Court found that continued breeding of Cavaliers is unlawful, while breeding of English Bulldogs may still be permitted under a certain breeding programme.

[HR-2023-1901-A](#)

Payment of life insurance did not mean deduction in the compensation to survivors after malpractice

A woman died as a result of delayed diagnosis of melanoma, leaving behind a husband and two children. The National Office for Health Service Appeals awarded compensation for loss of breadwinner, but made a 20-percent deduction due to the woman's life insurance policy. The Supreme Court stated that no deduction should be made for paid insurance policies if the compensation for loss of breadwinner is 15 G (15 times the basic National Insurance amount) or less for adults and 5G or less for children. Caution should also be had in making deductions for payments above that level. [HR-2023-268-A](#)

Municipality's claim for repayment was unsuccessful

In 2016, Oslo municipality's building enterprise Boligbygg bought flats and garage spaces from a property company for just over NOK 75 million. After media reports and subsequent investigations, the municipality concluded that the purchases were overpriced and decided to claim repayment NOK 13 million that had to be regarded as illegal state aid. The Supreme Court ruled the decision invalid. Since Boligbygg had signed the purchase agreement without authorisation, it was binding from a later date. Property prices had risen since the signing, which was significant for whether there was state aid. The Supreme Court ruled in favour of the property company. [HR-2023-1807-A](#)

Email from employee representative was whistleblowing

In an email to a manager in the undertaking, an employee representative had criticised an HR manager's behaviour towards a colleague in a meeting. The Supreme Court found that the email was whistleblowing under the Working Environment Act. The Court assumed that the whistleblowing concept in the Act is broad and includes statements made by employees – including employee representatives – that must be interpreted to report issues of concern in the workplace. Such issues include breaches of legislation, written ethical guidelines in the undertaking or ethical norms on which there is broad agreement in society. [HR-2023-2430-A](#)

"Available periods" are not working time

An offshore worker was granted reduced working time, so he switched between "available periods" and periods off. During parts of the available periods he was ordered out to work, while during other periods he had time off. He claimed that he was entitled to a corresponding reduction in his available periods. With reference to the EU Working Time Directive, the Supreme Court found that the employee was not subject to sufficient restrictions to his freedom during the available period for this to count as working time.

[HR-2023-2068-A](#)

Hotels may not make deductions from the employees' tips

At Oslo Plaza Hotel and Hotel Bristol in Oslo, several groups of employees receive tips from the guests. Until 2019, the tips were distributed in full between the employees. Due to new obligations for the employer, the hotels chose to make deductions from the tips to cover, among other things, payroll tax and costs for administering the tipping scheme. The Supreme Court found that the hotels were not entitled to do so. The guests' tips are not a benefit to the employer, but an appreciation and a payment to employees. There was no legal basis for making deductions from employees' tips to cover own costs. [HR-2023-728-A](#)



All 20 Supreme Court justices gathered in October 2023.



CASES IN 2023

Right to parental benefit is not lost due to late application

A father who applied for deferred parental benefit in the spring of 2019 had the benefit period reduced by in excess of 13 weeks. The reason was that the Norwegian Labour and Welfare Administration (NAV), prior to an amendment in 2021, had practiced the rules so that an application had to be submitted no later than on the last day of the mother's benefit period. Otherwise, the right to parental benefit would be lost for a period corresponding to the delay. The National Insurance Court upheld NAV's decision. The Supreme Court ruled the National Insurance Court's decision invalid, as there was no basis in the wording of the National Insurance Act or in other sources of law for practicing such a time limit resulting in a loss of benefit. [HR-2023-2432-A](#)

Musician did not have producer rights to sound recordings

A musician had recorded self-composed audio tracks with his own equipment. The tracks were incorporated into songs that a record label released on an album in 2019. The record label and the musician agreed that he was entitled to artist royalties for his contributions, and that the record label held producer rights to the final songs. The issue in the Supreme Court was whether the musician was also entitled to a special remuneration as producer of the audio tracks he had recorded. The Supreme Court found that he had made the recordings as an integrated part of his role as a composer and artist in a project initiated, facilitated and paid for by the record label, and that the latter therefore held the producer rights. [HR-2023-2282-A](#)

Claim against child welfare services was time-barred

Three brothers had suffered extensive childhood neglect in the 1960s and 1970s. The brothers brought claims against the municipality due to the child welfare services' failure to intervene. The Supreme Court found that the claims were time-barred under the 20-year rule in the Limitation Act. An exception is granted for injury caused in connection with "commercial activity", but the exercise of authority by the child welfare services could not be equated with this. The requirement for an exception was therefore not met. [HR-2023-2303-A](#)

Perpetrator retained his right to inheritance after killing his father

A 36-year-old man suffering from paranoid schizophrenia shot and killed his father and shot at his father's partner. He was considered unaccountable at the time of the acts and was not punished. The issue in the Supreme Court was whether he should lose his right to inherit his father. According to the Inheritance Act, a person convicted of killing the deceased may be deprived of the right to inheritance after an overall assessment. The Supreme Court found that the son in this case retained this right. The Court stated that although the provision of the Inheritance Act applies to cases where it would be perceived as offensive if the perpetrator were to inherit the deceased, the threshold for denying inheritance rights must be higher when the acts are motivated by serious mental illness. [HR-2023-2098-A](#)

Easement did not prevent development of hotel

In 2008, the owner of Dr. Holms Hotel bought a neighboring property to expand. The property was encumbered with an easement stating that it could not be used for hotel purposes. Landowners sued the hotel owner, claiming that the development would violate the easement. The Supreme Court found that it was not a regional easement, which is to protect a particular style of living and building in the area. The apparent purpose of the easement was to prevent competition with the hotel. It did not prevent the planned development of Dr. Holms Hotel. [HR-2023-847-A](#)

CRIMINAL CASES IN DIVISIONS

NOK 15 000 fine for drink driving with an electric scooter

A man was stopped by the police as he was riding an electric scooter in downtown Oslo with a blood alcohol level of 0.08 percent. Drink driving with an electric scooter is subject to the same rules in the Road Traffic Act as with cars. The Supreme Court found that the difference in potential for injury nonetheless suggested a considerably lower penalty for drink driving with an electric scooter than for drink driving by car. The penalty was set at a fine of NOK 15,000, and the man retained his right to drive a motor vehicle. [HR-2023-298-A](#)

Limit for driving under the influence of cannabis

The Court of Appeal had convicted a woman of two counts of driving under the influence as she had had a concentration of THC, the active ingredient in cannabis, in her blood that was above the limit laid down in regulations. The woman argued that the limit is set too low, contrary to law. The Supreme Court assumed that the wording of the law did not prescribe a specific limit and that the current limit was in line with the primary aim in the preparatory works, which is to cover all cases where there may be an influence. The Supreme Court stated that it is up to the legislature to increase the limit to avoid covering concentrations with no impact on the ability to drive. [HR-2023-2307-A](#)

Stay requirement for daily allowances is compatible with EEA law

A man was convicted of social security fraud after receiving daily allowances without informing NAV that he periodically stayed in Sweden. The National Insurance Act lays down a requirement of stay in Norway to be entitled to allowances. The Supreme Court found that the stay requirement is compatible with EEA law. The Court emphasised the EFTA Court's conclusion that Member States are free to lay down a requirement of stay in cases other than those regulated in Articles 64 to 65a of the EU Social Security Regulation. The conviction was upheld. [HR-2023-301-A](#)

The flight ban for Russian citizens covers drone flights

A British-Russian citizen was charged with flying a drone over Svalbard. He was acquitted in the lower instances, which found that the flight ban in the Sanctions Regulations against Russia did not cover drone flights. The Supreme Court found the opposite, as the ban had to be interpreted in accordance with the corresponding provision in the EU Regulation on restrictive measures against Russia. Drones fall under the term "aircraft". The ban also covered unmanned and unregistered aircraft, such as the drone in this case. [HR-2023-1246-A](#)

Wrong to acquit police prosecutor of grossly negligent misconduct

After receiving a report of theft from a private residence in Tønsberg, a police prosecutor ordered the arrest of the reporter's maid and a search of her home. The police prosecutor was charged with grossly negligent professional misconduct, but was acquitted in the Court of Appeal. The Supreme Court found that the police prosecutor had breached his duty of service and acted grossly negligently. There was no reasonable basis for suspecting the maid of theft, and the arrest and search orders were issued without investigation. The judgment of the Court of Appeal was set aside. [HR-2023-805-A](#)

Climate activist acquitted after demonstration in ministry

A climate activist was fined after a demonstration in the reception area of the Ministry of Health and Care Services. She and several others had entered the area and sat down on the floor. This did not prevent or seriously disrupt the Ministry's operations. After refusing to follow police orders to leave the area, she was arrested and fined. The issue in the Supreme Court was whether this was violated Article 11 of the ECHR, which protects the right to participate in peaceful assembly. After an overall assessment, the Supreme Court found that arrest, detention for more than six hours and fining were disproportionate interferences with her freedom of assembly, and she was acquitted. [HR-2023-604-A](#)



Advocates Ulf Martin Veel Larsen (front) and Jørgen Vangsnes during the hearing of the Dr. Holms Hotel case ([HR-2023-847-A](#)).



CASES IN 2023

Sexual assault covers surprise cases

A man and a woman had danced together in a nightclub and had voluntary and mutual physical contact. At one point, the man quickly inserted a finger into her vagina from behind. For this, the man was convicted of sexual assault in the District Court. The Court of Appeal convicted him under the less strict provision on sexual acts performed without consent. The Supreme Court found that surprise cases where the sexual act is committed so unexpectedly that the aggrieved party has no time to react must be covered by the provision on sexual assault, specifically the prohibition of engaging in sexual activity with a person “incapable of resisting the act”. Voluntary physical contact between two persons does not mean that one may surprise the other with sexual acts of a more invasive nature. The judgment of the Court of Appeal was set aside. [HR-2023-2193-A](#)

Police academy instructor convicted of sexually offensive conduct

During a sanitation exercise, a police academy instructor showed a female student how to search for blood on an injured person by running his hand over the skin of her thigh. While doing this, he exclaimed: “it’s clammy here”, and afterwards asked if she had felt raped. When she said no, he replied “Then I didn’t do my job properly”. He repeated the last statement as the student’s partner did the same exercise on her thigh. The Supreme Court found that an overall assessment of the relevant situation and course of events is required to determine whether the act is covered by the penal provision on sexually offensive conduct. Although there must be a certain amount of room for unfortunate and clumsy comments, the Supreme Court found that the instructor’s conduct exceeded the limit for what is punishable. [HR-2023-1063-A](#)

Touching of a baby was not a sexual act

A father was filmed and photographed by the mother while he, when caring for his six-month-old daughter, pinched and tickled the child near the genitals. After the mother had moved out, she reported him to the police using the footage as documentation. The man was convicted in the Court of Appeal of a sexual act with a child under 16 years of age, but the Supreme Court acquitted him. The Supreme Court found that an overall assessment had to be made based on the external features of the act, such as its intimacy, duration and intensity. The situation in which the act occurs is also relevant, as well as the relationship between those involved and their age. When bathing and caring for a baby, the threshold must be higher for regarding an inappropriate or clumsy touch as a sexual act. [HR-2023-2436-A](#)

Children’s police statements could be used as evidence

Two boys aged almost 11 and 12 were questioned by the police. They were informed of their duty to tell the truth, but not about possible exemption from the duty to testify. The boys said that their father had beaten their mother. In a subsequent questioning, they denied having seen this and said that they did not want their father to be punished. The issue in the Supreme Court was whether the statements made during the first questioning could be used as evidence, since the boys had not been informed of the right of closely related persons not to testify. The Supreme Court stated that such information cannot be withheld without a reason. There was a reason in this case, since the father was charged only hours later, after which the boys were no longer exempt. The Court stated that first telling a child that it does not need to testify and the next moment saying the opposite did not harmonise with the considerations behind the rules on the duty to testify in the Criminal Procedure Act. The statements had therefore been legally recorded and could be used as evidence.

[HR-2023-2212-A](#)

Clarification of the provision on unaccountability due to a severely deviant state of mind

In the wake of the 22 July trial, legislative work was initiated resulting in 2020 in an amendment of the unaccountability provision in the Penal Code. The Supreme Court heard two cases to clarify the application of the new provision on unaccountability due to a severely deviant state of mind. In one of the cases, a man was charged with 117 counts of threats against public officials. The Supreme Court found that he had not been in a severely deviant state of mind and could therefore be punished. In the other case, a man was accused of attempting to kill his spouse and a random person in the traffic. With his wife as a passenger, he had driven at very high speed into the car in front. The Supreme Court found that this man had been unaccountable due to his state of mind and could not be punished.

[HR-2023-1242-A](#) and [HR-2023-1243-A](#)

Snowmobile driving on uncultivated land was unnecessary and therefore punishable

A farmer who in February 2022 transported materials and equipment by snowmobile to a shepherd’s shed in the mountains, used the snowmobile an extra 20 kilometres to fetch a saw at a fishing hut farther out in the mountains. Such driving on uncultivated land is prohibited under the Motor Traffic Act, unless it is considered necessary for agricultural operations. The Supreme Court pointed out that the term “necessary” in the Act and the purpose of protecting the environment set limits for a farmer’s right to drive a motor vehicle on uncultivated land. It is not sufficient that the driving is useful or appropriate if there is an alternative that avoids or reduces the use of such areas. In this case, the farmer had other options for retrieving the saw, and his snowmobile driving was thus not “necessary”. [HR-2023-2402-A](#)

45 days of imprisonment after fire in Florø

A man who was helping a neighbour thaw out a frozen water pipe placed a hot air gun against the water pipe before leaving the place. A fire broke out in the apartment building, and several people had to evacuate, also from two adjacent buildings due to the risk of spread. The Supreme Court set the sentence at 45 days of imprisonment, pointing out that the man’s actions involved a significant potential for injury, not least since there were wooden buildings involved. In addition to the potential loss of human life, the substantial economic damage caused by the fire was considered an aggravating circumstance. [HR-2023-1251-A](#)

The Criminal Cases Review Commission granted access to audio transcripts

The Criminal Cases Review Commission asked for access to audio transcripts of statements given by a police officer and his informant during a criminal case against them. The statements had been given behind closed doors in accordance with the provision on permanent secrecy in the Courts of Justice Act. The Court of Appeal denied the request for access, referring to the transcript prohibition in the Criminal Procedure Act. The Supreme Court found that the transcript prohibition did not prevent granting the Commission access to this type of secret material, emphasising the Commission’s duty to prevent leaks. [HR-2023-2312-A](#)

An offence to give false information to the Conciliation Board

A man sent a copy of a manipulated email to his advocate, appearing to document a financial loss. The advocate forwarded the email to the Conciliation Board as an attachment to a complaint. The man was subsequently charged and convicted of giving false information to the Conciliation Board. The Supreme Court considered whether the prohibition in the Penal Code of giving false information to “the courts” covers information to the Conciliation Board. The Supreme Court found this to be the case, since the Conciliation Board is also considered a court. The criminal-law requirement of a legal basis was therefore met. [HR-2023-1638-A](#)

Fining of transport company for violation of driving time and rest periods

A transport company was fined with NOK 2,000 after a driver had violated the provisions on driving time and rest periods. The company brought the fining decision to the courts, but the decision was upheld in the District Court and the Court of Appeal. According to the rules applicable at the time of driving, an undertaking could be fined without any individual having exercised culpability. The Supreme Court stated that this was not contrary to the ECHR. However, an amendment in 2022 introduced a rule stating that an undertaking can only be fined if someone acting on behalf of it has acted negligently. The Supreme Court found that this had to apply even if the driving took place before the amendment. Since the Court of Appeal had not decided whether the driver had been negligent, its judgment was set aside. [HR-2023-1212-A](#)

Statements against fisheries inspectors were punishable

Two female fisheries inspectors visited a fish landing plant in Finnmark. A man who worked there made several statements towards the inspectors. One of them referred to the Northern Norwegian term “hail”, which has a sexualised content. The issue in the Supreme Court was whether the statements are covered by the provision in the Penal Code on offensive conduct that insults public officials. The Supreme Court considered the statements in the light of local jargon and freedom of expression and found that they exceeded the limit for what is punishable. The Supreme Court noted that the purpose of the provision is to protect public interests and the performance of official duty, and to combat humiliating behaviour that is likely to undermine the authority of public officials. [HR-2023-2392-A](#)

STATISTICS 2023

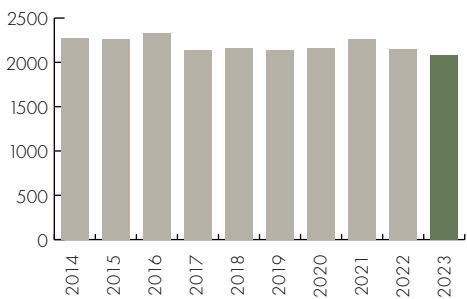
INCOMING CASES

In 2023, the Supreme Court received a total of 2,078 appeals.

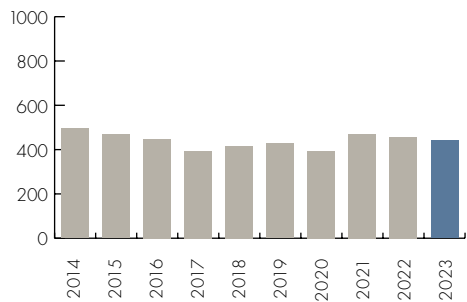
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Civil cases, appeals against judgments	496	469	447	393	416	428	394	471	457	441
Civil cases, appeals against orders or decisions	619	606	663	558	593	596	603	615	580	578
Criminal cases, appeals against judgments	400	381	382	407	403	428	347	373	379	354
Criminal cases, appeals against orders or decisions	761	804	839	783	752	692	820	807	739	705
Total	2276	2260	2331	2141	2164	2144	2164	2266	2155	2078

In addition, the Supreme Court received 76 other cases (applications for reinstatement, reversal or reopening, claim for compensation for costs from the public authorities, issues of qualification in the Court of Appeal etc.).

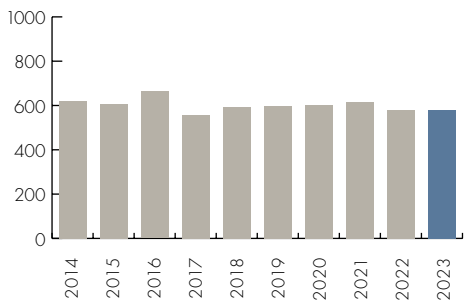
TOTAL NUMBER OF APPEALS



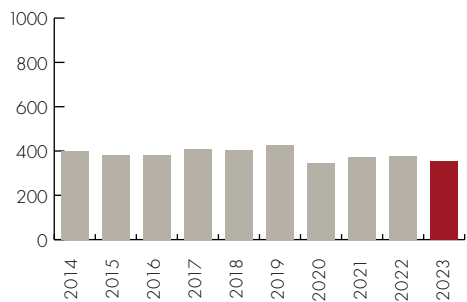
CIVIL CASES APPEALS AGAINST JUDGMENTS



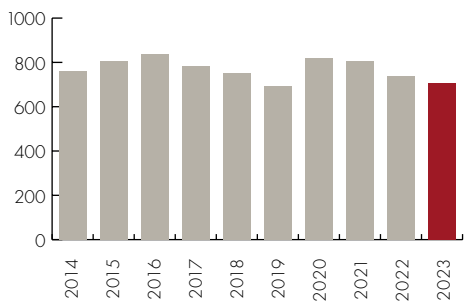
CIVIL CASES APPEALS AGAINST ORDERS OR DECISIONS



CRIMINAL CASES APPEALS AGAINST JUDGMENTS

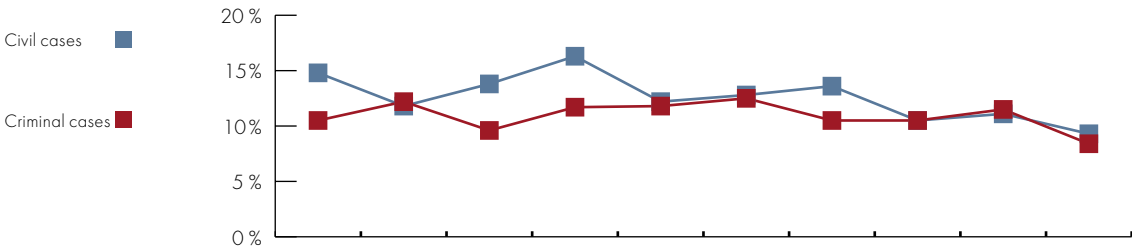


CRIMINAL CASES APPEALS AGAINST ORDERS OR DECISIONS



APPEALS AGAINST JUDGMENTS REFERRED TO THE SUPREME COURT

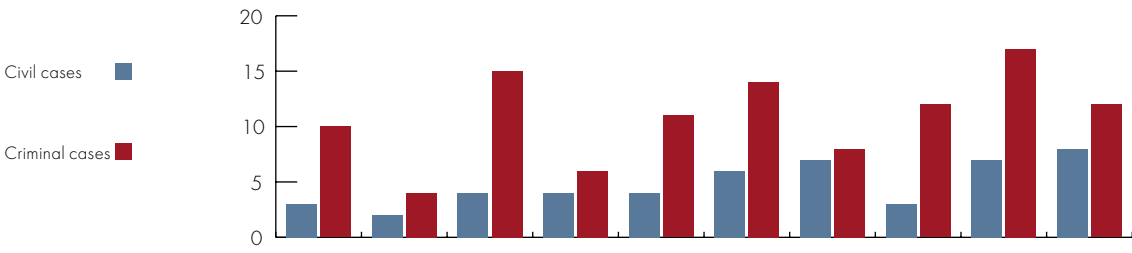
In appeals against judgments, the Appeals Selection Committee decides whether to grant leave to appeal. The appeal may only proceed if it deals with issues extending beyond the current case, or if it is otherwise important to have the case decided by the Supreme Court. In 2023, leave to appeal was granted for 9.3% of the appeals against judgments in civil cases and 8.4% of the appeals against judgments in criminal cases.



	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Civil cases	14.8 %	11.8 %	13.8 %	16.3 %	12.2 %	12.8 %	13.6 %	10.5 %	11.1 %	9.3 %
Criminal cases	10.5 %	12.2 %	9.6 %	11.7 %	11.8 %	12.5 %	10.5 %	10.5 %	11.5 %	8.4 %

JUDGMENTS IN THE APPEALS SELECTION COMMITTEE

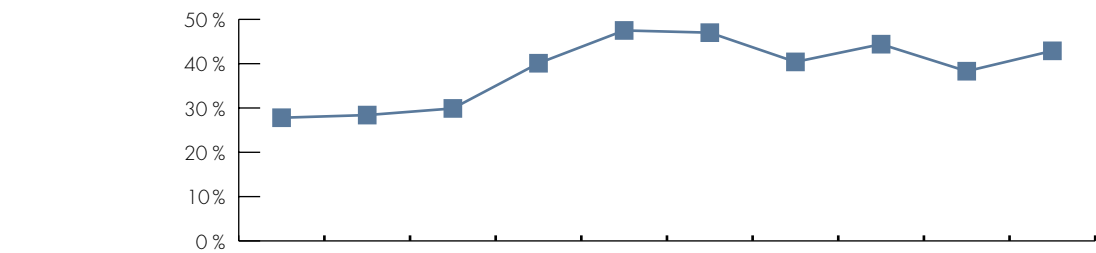
Instead of referring an appeal against a judgment to the Supreme Court, the Appeals Selection Committee may set it aside if it contains obvious errors. In criminal cases, the Committee may also acquit the defendant or change the conviction to concern a less strict penal provision. In 2023, the Appeals Selection Committee gave judgment in eight civil cases and twelve criminal cases.



	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Civil cases	3	2	4	4	4	6	7	3	7	8
Criminal cases	10	4	15	6	11	14	8	12	17	12

REFUSAL OF LEAVE TO APPEAL AGAINST ORDERS OR DECISIONS IN CIVIL CASES

In civil cases, the Appeals Selection Committee may refuse leave to appeal against orders or decisions. In 2023, leave was refused for 42.9 % of the appeals against orders or decisions.



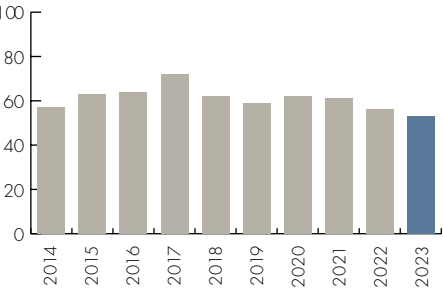
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Civil cases	27.8 %	28.4 %	29.9 %	40.1 %	47.5 %	47.0 %	40.4 %	44.4 %	38.3 %	42.9 %

CASES HEARD IN DIVISIONS OR A STRENGTHENED COURT

In 2023, the two divisions of the Supreme Court heard 51 civil cases and 32 criminal cases. In addition, two civil cases were heard by the plenary.

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Civil cases	57	63	64	72	62	59	62	61	56	53
Criminal cases	47	54	49	50	43	61	43	30	55	32
Total	104	117	113	122	105	120	105	91	111	85

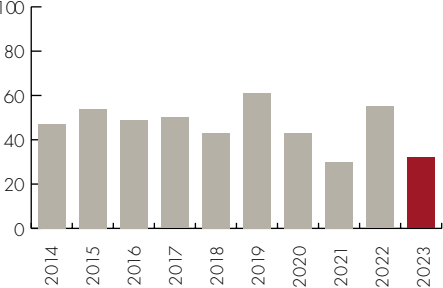
CIVIL CASES



TYPES OF CASES

Tort law	6
Real property law	6
Construction law	5
Public administration law	5
Civil procedure law	5
Labour law	3
Law of obligations	3
Patient injury compensation	3
Insurance law	2
Copyright law	2
Company law	2
Tax law	2
Advocate law	1
Procurement law	1
Inheritance law	1
Animal welfare law	1
International law	1
Competition law	1
Maritime law	1
State law	1
Compulsory mental health care	1

CRIMINAL CASES

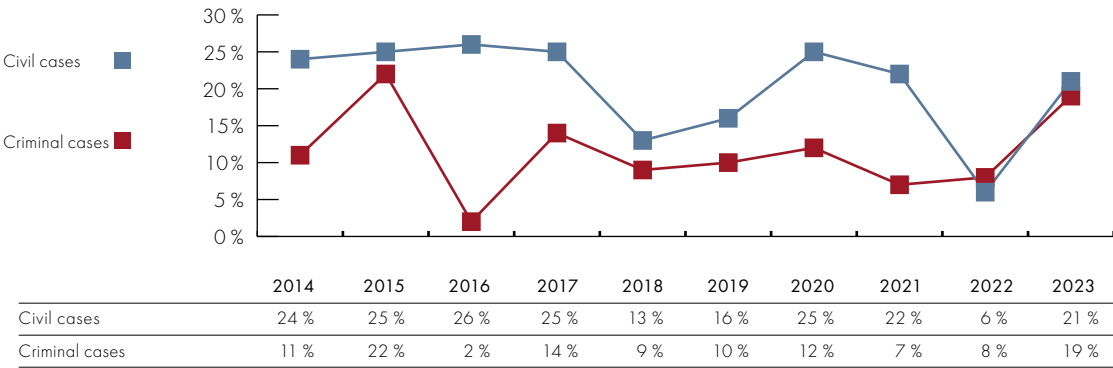
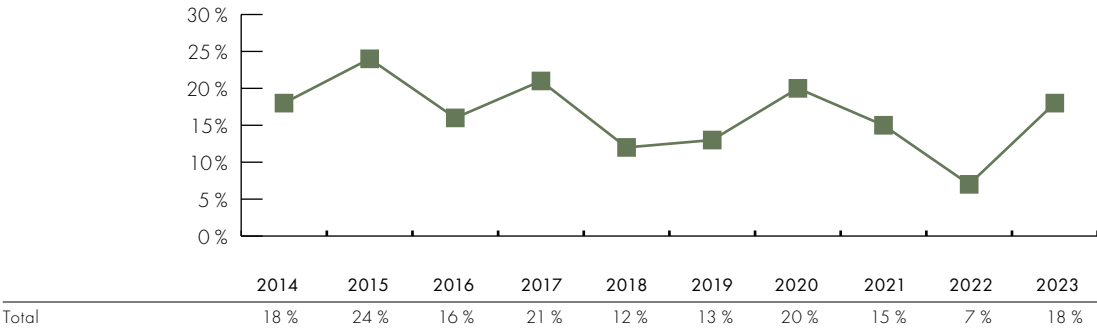


TYPES OF CASES

Sexual offences	6
Criminal procedure	6
Traffic offences	4
Unlawful involvement with firearms etc.	3
Protection of public officials etc.	3
Choice of sanctions	2
Accountability	2
Compulsory mental health care	2
Sanctions Regulations	1
False statement	1
Crimes of profit	1
Violence offences	1

DISSENTING OPINIONS

In 2023, there were dissenting opinions in 15 of the 82 rulings in divisions (in a total of 83 cases), which gives a dissent frequency of 18 %. Dissenting opinions were given in nine civil cases (21 %) and six criminal cases (19 %). Among the dissents, twelve concerned the result and three concerned the reasoning. There was a 3–2 dissent in eight of the of the rulings.

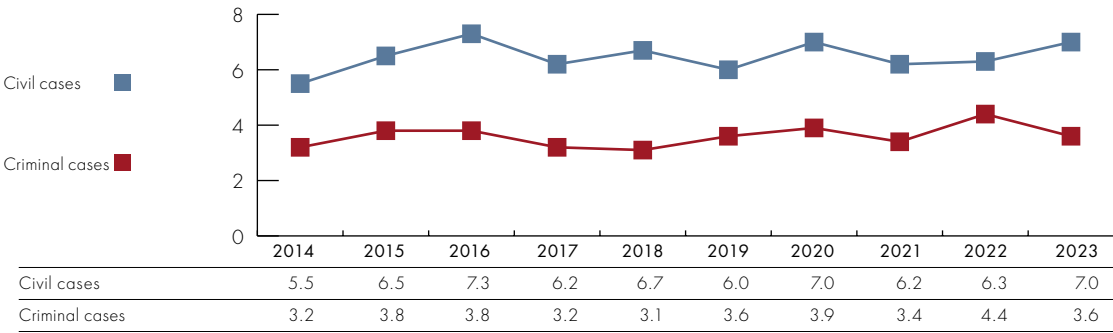


NEWLY ADMITTED ADVOCATES

In 2023, 16 new advocates were admitted to the Supreme Court.

PROCESSING TIME

In 2023, the average processing time from the appeal was received by the Supreme Court until the hearing was seven months in civil cases and 3.6 months in criminal cases.



For cases decided in the Appeals Selection Committee, the average processing time was less than a month and a half in civil cases and less than a month in criminal cases.

INTERNATIONAL DIALOGUE



1

THE SUPREME COURT AND THE INTERNATIONAL LEGAL COMMUNITY

Cases decided by Norwegian courts may be brought before international bodies whose task is to enforce international human rights conventions and other treaties by which Norway is bound.

The European Convention on Human Rights (ECHR), one of several human rights conventions that apply as Norwegian law, is of great significance. Private parties who believe that a Norwegian ruling is contrary to the ECHR may launch an application against Norway to the European Court of Human Rights (ECtHR). However, the main responsibility of ensuring that the rights under the ECHR are safeguarded and that any violations are remedied lies with each individual country.

The ECHR is central to many Supreme Court cases, and through its reasoning the Supreme Court places great emphasis on showing how the ECHR is interpreted and how relevant interests are balanced. Also, the Supreme Court translates many of its rulings into English to make the Norwegian application of the ECHR accessible to both the ECtHR and the international legal community at large.

In 2023, the ECtHR handed down no Chamber judgments against Norway. Among the cases decided in a Committee, 29 concerned child welfare. Based on previous Chamber and Grand Chamber judgments against Norway, a violation of Article 8 was found in nine of these cases.

Throughout the year, the Supreme Court interacts with the international legal community in different ways. We share knowledge across borders and learn from each other.

1. In the spring of 2023, the Supreme Court justices visited the European Court of Human Rights (ECtHR) in Strasbourg. The newly elected President of the ECtHR Siofra O'Leary welcomed the justices together with the Norwegian judge Arnfinn Bårdsen. Siofra O'Leary is the first female President of the ECtHR.

2. The presidents of various European supreme courts gathered in the impressive Austrian Supreme Court in Vienna. The occasion was the annual meeting of the EU's Network of the Presidents of the Supreme Judicial Courts, where Norway is an associate member.

3. Chief Justice Toril Marie Øie welcomed her Nordic colleagues to Lofoten. The independence of the courts and the organisation of their work were on the agenda during the court president meeting. Earlier the same year, the Nordic supreme court justices met in Iceland.

4. International dialogue in the form of a very interested 17-year-old Japanese jurisprudence student. Viola Kalmar flew to Norway with a scholarship from Japanese authorities to study the Norwegian legal system and particularly the system of youth punishment. We showed her the Supreme Court and told her about the court system.

5. Supreme Court Justice Henrik Bull with the Liechtenstein judge to the EFTA Court, Bernd Hammermann. The occasion was the appointment of a new Norwegian judge to the EFTA Court.

6. Each year we welcome several foreign delegations to the Supreme Court Building. Among the visitors in 2023 was a group of representatives from Japan's National Assembly, Ministry of Justice and Embassy.



2



3



4



5



6

WELCOME TO THE SUPREME COURT

Several times a week, the Supreme Court is visited by groups who wish to learn about the country's highest court and see the beautiful and listed Supreme Court Building. We are pleased to welcome visitors, as it makes the house always feel alive! School classes and students, workplaces and pensioner groups, associations and international delegations – they all learn about life in the Supreme Court and the function of the third branch of government. In 2023, we welcomed 108 groups.

The photos are from four of the visits: Oslo Open House, in which the Supreme Court participated for the first time. This is an architecture festival where more 80 public and private buildings open their doors. On the last weekend in October, we marked **The European Day of Justice** with another open house and lectures from justices. On 20 November, we marked the **World Children's Day**, together with more 70 children from Kringsjå elementary school in Oslo. And in December, we welcomed a group of **Sami Pathfinders**. They are students traveling around Norway lecturing about the Sami and Sami culture.



COUNTY TOUR 2023

SO LONG, TROMS!

Each year, the Supreme Court justices visit one of Norway's counties. In 2023, they travelled to Troms. The Supreme Court receives cases from all over the country, within all areas of law. The county tours give useful and important background knowledge about society, people and institutions.

The justices travelled from Harstad and Kvæfjord to Senja, Finnøy, Målselv and Tromsø. They had interesting encounters with mayors, youths, journalists, business leaders, entrepreneurs, researchers, municipal employees and many others. Special thanks go to County Governor Elisabeth Aspaker and her staff.

In 2024, the justices will visit Hedmark.



Group photo from Hålogaland Court of Appeal. On the right page: Photos from Trastad Collections in Kvæfjord, Røkenes Farm in Harstad and Harstad harbour, visit to Tromsø youth council and meeting with the Army in Bardufoss. Chief Justice Toril Marie Øie with Chief Judge Monica Hansen Nylund at Hålogaland Court of Appeal. The photo on the bottom right is from the innovation centre Gjøreredit in Kværnfjord.



PUBLISHED BY

Supreme Court of Norway, January 2024

DESIGN

Roar Hide Klausen/Supreme Court of Norway
Brandt Design

PRODUCTION


Fladby AS


PHOTO CREDITS

- » Peterberger.photography/Network of the Presidents of the Supreme Judicial Courts of the European Union: page 37 (no. 2)
- » Sturlason AS Polyfoto: pages 20–21
- » Harald Titter/EFTA Court: page 37 (no. 5)
- » ECHR - CEDH Council of Europe: page 36
- » Rizwana Yedicam/Supreme Court of Norway: pages 2, 4, 6–10, 12–19, 20–21 (some), 22–23, 28, 37 (no. 6), 38, 40–41 and 43
- » Roar Hide Klausen/Supreme Court of Norway: page 26
- » Bente J. Kraugerud/Supreme Court of Norway: page 37 (no. 3)
- » Ida Dahl Nilssen/Supreme Court of Norway: page 37 (no. 4) and 39

TRANSLATION

Reidun Ellen Engh/Supreme Court of Norway

 [norges_hoyesterett](#)

 [hoyesterett](#)

 [hoyesterett](#)



